

Status: Point in time view as at 13/02/2004.

Changes to legislation: Highways Act 1980, SCHEDULE 1 is up to date with all changes known to be in force on or before 28 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Sections 10, 14, 16, 18, 106, 108,
Schedule 23 para. 5.

PROCEDURES FOR MAKING OR CONFIRMING CERTAIN ORDERS AND SCHEMES

Modifications etc. (not altering text)

- C1** Functions under paras. 7, 8, 14, 15, 18, 19 and 21 so far as exercisable jointly by Minister of Transport and Secretary of State now exercisable by Secretary of State for Transport: [S.I. 1981/238](#), [art. 2\(1\)\(b\)](#)

PART I

ORDERS

- 1 Where the Minister proposes to make an order under any of the following provisions of this Act, that is to say, section 10, section 18, section 106 or section 108(1), or an order relating to a trunk road under section 14 of this Act, he shall prepare a draft of the order and shall publish in at least one local newspaper circulating in the area in which any highway, or any proposed highway, to which the order relates is situated, and in the London Gazette, a notice—
- (a) stating the general effect of the proposed order;
 - (b) naming a place in the said area where a copy of the draft order and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than 6 weeks from the date of the publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Minister object to the making of the order.
- 2 Where an order under section 18 or section 108(1) of this Act, or an order relating to a classified road under section 14 of this Act, is submitted to the Minister by a local highway authority, that authority shall publish, in the manner specified in paragraph 1 above, the notice there referred to, and that paragraph shall have effect in relation to a notice published by any such authority as if, for the references to the draft order and the making of the order, there were substituted references to the order as submitted to the Minister and the confirmation of the order respectively.
- 3 Not later than the day on which the said notice is published or, if it is published on 2 or more days, the day on which it is first published, the Minister or the local highway authority, as the case may be, shall serve on each person specified in such head or heads of the Table set out at the end of this paragraph as apply in the case of the order in question—
- (a) a copy of the said notice;
 - (b) a copy of the draft order or of the order, as the case may be; and

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- (c) a copy of any map or plan referred to in the draft order or the order relating to a matter which, in the opinion of the Minister or of the local highway authority, as the case may be, is likely to affect the said person.

TABLE

Persons to be served with copies of the documents specified in paragraph 3 of this Schedule

- (i) In the case of every order proposed to be made under section 10 or section 106 of this Act, and every order relating to a trunk road proposed to be made under section 14 of this Act—

Every council in whose area any highway or proposed highway to which the proposed order relates is situated.

- (ii) In the case of an order proposed to be made under section 10, 14, 18 or 108(1) of this Act which provides for the construction of a bridge over or tunnel under navigable waters or for the diversion of a navigable watercourse, and in the case of every order proposed to be made under section 106 of this Act—

[^{F1}The National Rivers Authority and every navigation authority] concerned with or having jurisdiction over the waters affected or the area comprising those waters or that watercourse. . . ^{F2}

- (iii) In the case of an order proposed to be made under section 18 of this Act or an order relating to a classified road, proposed to be made under section 14 of this Act, which (in either case) authorises the carrying out of any works—

Every council in whose area any works authorised by the proposed order are to be carried out.

- (iv) In the case of an order under section 18 of this Act, or an order relating to a classified road under section 14 of this Act, which (in either case) provides for transferring any highway from one highway authority to another—

The highway authorities to and from whom the highway is to be transferred.

- (v) In the case of an order proposed to be made under section 14 or 18 of this Act which authorises the stopping up of any private means of access to any premises—

The owner (within the meaning of section 21 of this Act) and the occupier of those premises.

- (vi) In the case of an order proposed to be made under section 14 or 18 of this Act which authorises the stopping up or diversion of any highway—

The council or, in the case of a parish not having a separate council, the parish meeting, of every parish in which the highway is situated and the council of every community in which the highway is situated.

Any public utility undertakers having apparatus under, in, upon, over, along or across the highway.

Textual Amendments

F1 Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 62(14)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**

F2 Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**

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Modifications etc. (not altering text)

- C2** Sch. 1 para. 3 Table para. (i) modified (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1, **31(2)(b)** (with ss. 31(3), 48)

Textual Amendments

- F1** Words substituted by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 62(14)(a), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), **58**
- F2** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

Modifications etc. (not altering text)

- C2** Sch. 1 para. 3 Table para. (i) modified (22.7.2008) by Transport for London Act 2008 (c. i), ss. 1, **31(2)(b)** (with ss. 31(3), 48)

- 4 Where the proposed order authorises the stopping up or diversion of a highway, the Minister or the local highway authority, as the case may be, shall, not later than the day on which the said notice is published or, if it is published on 2 or more days, the day on which it is first published, cause a copy of it to be displayed in a prominent position at the ends of so much of any highway as is proposed to be stopped up or diverted under the order.
- 5 At any time, whether before or after the expiration of the period specified in the notice in pursuance of paragraph (1)(b) above, the Minister or the local highway authority, as the case may be, by whom the notice was published may, by a subsequent notice published in at least one local newspaper circulating in the area in which any highway, or any proposed highway, to which the proposed order relates is situated, and in the London Gazette, substitute for the period specified in the first notice such longer period as may be specified in the subsequent notice.
- 6 Where the period specified in a notice published by the Minister or a local highway authority under paragraph 1 above is extended by a notice published under paragraph 5 above, paragraph 3 above shall apply as if the notice under paragraph 5 were a notice under paragraph 1, but the foregoing provision shall not be taken as requiring a copy of the proposed order or of any map or plan referred to in that order to be served on a person on whom it was previously served.
- 7 (1) If any objection to the proposed order is received by the Minister—
- (a) from any person on whom a copy of the notice is required to be served under paragraph 3 above within the period specified in the notice in pursuance of paragraph (1)(b) above or, if that period has been extended by a subsequent notice under paragraph 5 above, within the period specified in the subsequent notice, or
 - (b) from any other person appearing to him to be affected within the period specified in the notice or the subsequent notice, as the case may be,
- and the objection is not withdrawn, then—
- (i) in the case of an order proposed to be made by the Minister, the Minister and the Secretary of State acting jointly, or
 - (ii) in the case of an order made by a local highway authority and submitted to the Minister, the Minister,
- shall, subject to sub-paragraph (2) below, cause a local inquiry to be held.

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- (2) Except where the objection is made by a person entitled to receive a copy of the notice relating to the order in question by virtue of paragraph 3 above and such one or more of the following heads of the Table set out at the end of that paragraph, that is to say, heads (i), (ii), (iii) and (iv), as apply in the case of that order, the Minister and the Secretary of State acting jointly or, as the case may be, the Minister may, if satisfied that in the circumstances of the case the holding of an inquiry under this paragraph is unnecessary, dispense with such an inquiry.

Modifications etc. (not altering text)

C3 Sch. 1 para. 7: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

- 8 (1) After any objections to the proposed order which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry have been considered—
- (a) in the case of an order proposed to be made by the Minister, by the Minister and the Secretary of State acting jointly, or
 - (b) in the case of an order made by a local highway authority and submitted to the Minister, by the Minister,
- the Minister may make or confirm the order either without modification or subject to such modifications as he thinks fit.
- (2) The power under this paragraph to make or confirm the order includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Minister thinks fit) while deferring consideration of the remaining part; and where the Minister makes or confirms part of the order, that part and the remaining part are each to be deemed for the purposes of this Act to be a separate order.
- (3) Where the Minister proposes to exercise the power to make or confirm the order subject to modifications, and the modifications will in his opinion make a substantial change in the order—
- (a) he shall notify any person who appears to him to be likely to be affected by the proposed modifications;
 - (b) he shall give that person an opportunity of making representations to him with respect to the modifications within such reasonable period as he may specify; and
 - (c) before he exercises the power, the Minister or, in the case of an order proposed to be made by the Minister, the Minister and the Secretary of State acting jointly shall consider any representations made to the Minister with respect to the proposed modifications within that period.

Modifications etc. (not altering text)

C4 Sch. 1 para. 8: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

- 9 In this Part of this Schedule references to a proposed order or an order proposed to be made include references to an order made by a local highway authority and submitted to the Minister.

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PART II

SCHEMES UNDER SECTIONS 16 AND 106(3)

- 10 Where the Minister proposes to make a scheme under section 16 of this Act, or where a scheme under that section or section 106(3) of this Act is submitted to the Minister by a local highway authority, the Minister or that authority, as the case may be, shall publish in at least one local newspaper circulating in the area in which the special road, or, as the case may be, the site of the bridge or tunnel, to which the scheme relates is situated, and in the London Gazette, a notice—
- (a) stating the general effect of the proposed scheme;
 - (b) naming a place in the said area where a copy of a draft of the scheme or of the scheme as submitted to the Minister, as the case may be, and of any map or plan referred to in it may be inspected by any person free of charge at all reasonable hours during a period specified in the notice, being a period of not less than 6 weeks from the date of the publication of the notice; and
 - (c) stating that, within the said period, any person may by notice to the Minister object to the making or confirmation of the scheme.
- 11 Not later than the day on which the said notice is published or, if it is published on 2 or more days, the day on which it is first published, the Minister or the local highway authority, as the case may be, shall serve a copy of it (together with a copy of the draft scheme or of the scheme, as the case may be, and of any map or plan referred to in it)—
- (a) on every council in whose area any part of the route of the special road or, as the case may be, the site of the bridge or tunnel is situated; and
 - (b) where the scheme provides for the construction of a bridge over or tunnel under any navigable waters, on [^{F3}the National Rivers Authority and every navigation authority] concerned with or having jurisdiction over the waters affected or the area comprising those waters.

Textual Amendments

F3 Words substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 25 para. 62(14)(b), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), **58**

- 12 At any time, whether before or after the expiration of the period specified in the notice in pursuance of paragraph 10(b) above, the Minister or, as the case may be, the local highway authority by whom the notice was published may, by a subsequent notice published in at least one local newspaper circulating in the area in which the special road, or, as the case may be, the site of the bridge or tunnel, to which the proposed scheme relates is situated, and in the London Gazette, substitute for the period specified in the first notice such longer period as may be specified in the subsequent notice.
- 13 Where the period specified in a notice published by the Minister or a local highway authority under paragraph 10 above is extended by a notice published under paragraph 12 above, paragraph 11 above, with the omission of the reference to a copy of the draft scheme or of the scheme and of any map or plan referred to in it, shall apply as if the notice under paragraph 12 were a notice under paragraph 10.
- 14 (1) If any objection to the proposed scheme is received by the Minister—

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- (a) from any council or authority on whom a copy of the notice is required to be served under paragraph 11 above within the period specified in the notice in pursuance of paragraph 10(b) above or, if that period has been extended by a subsequent notice under paragraph 12 above, within the period specified in the subsequent notice, or
 - (b) from any other person appearing to him to be affected within the period specified in the notice or the subsequent notice, as the case may be,
- and the objection is not withdrawn, then—
- (i) in the case of a scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly, or
 - (ii) in the case of a scheme made by a local highway authority and submitted to the Minister, the Minister,
- shall, subject to sub-paragraph (2) below, cause a local inquiry to be held.
- (2) Except where the objection is made by any such council or authority as aforesaid, the Minister and the Secretary of State acting jointly or, as the case may be, the Minister may, if satisfied that in the circumstances of the case the holding of an inquiry under this paragraph is unnecessary, dispense with such an inquiry.

Modifications etc. (not altering text)

C5 Sch. 1 para. 14: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

- 15 (1) After any objections to the proposed scheme which are not withdrawn and, where a local inquiry is held, the report of the person who held the inquiry have been considered—
- (a) in the case of a scheme proposed to be made by the Minister, by the Minister and the Secretary of State acting jointly, or
 - (b) in the case of a scheme made by a local highway authority and submitted to the Minister, by the Minister,
- the Minister may make or confirm the scheme either without modification or subject to such modifications as he thinks fit.
- (2) The power under this paragraph to make or confirm the scheme includes power to make or confirm it so far as relating to part of the proposals contained in it (either without modification or subject to such modifications as the Minister thinks fit) while deferring consideration of the remaining part; and where the Minister makes or confirms part of the scheme, that part and the remaining part are each to be deemed for the purposes of this Act to be a separate scheme.
- (3) Where the Minister proposes to exercise the power to make or confirm the scheme subject to modifications, and the modifications will in his opinion make a substantial change in the scheme,—
- (a) he shall notify any person who appears to him to be likely to be affected by the proposed modifications;
 - (b) he shall give that person an opportunity of making representation to him with respect to the modifications within such reasonable period as he may specify; and
 - (c) before the Minister exercises the power, the Minister or, in the case of a scheme proposed to be made by the Minister, the Minister and the Secretary

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of State acting jointly shall consider any representations made to the Minister with respect to the proposed modifications within that period.

Modifications etc. (not altering text)

C6 Sch. 1 para. 15: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

16 In this Part of this Schedule “proposed scheme” includes a scheme made by a local highway authority and submitted to the Minister.

PART III

GENERAL

17 If, on or after publishing a notice required by Part I or Part II of this Schedule to be published in connection with the making or confirmation of an order or scheme, it appears to the Minister or a local highway authority desirable to do so, he or they shall take such steps, in addition to those required by the said Part I or Part II to be taken, as will in his or their opinion secure that additional publicity is given in the area affected by the order or scheme to the proposals contained in it.

18 (1) Any person who objects to the making or confirmation of an order or scheme pursuant to this Schedule shall include in the notice of objection a statement of the grounds of objection.

(2) If any notice of objection to the making or confirmation of an order or scheme pursuant to this Schedule does not state the grounds of objection the Minister or, in the case of an order or scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly may disregard the objection.

Modifications etc. (not altering text)

C7 Sch. 1 para. 18: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

19 (1) Where objections to the making or confirmation of an order or scheme pursuant to this Schedule are to be the subject of a local inquiry, the Minister or, in the case of an order or scheme proposed to be made by the Minister, the Minister and the Secretary of State acting jointly may, by notice served on the persons making such objections or by the notice announcing the holding of the inquiry, direct that any person who intends at the inquiry to submit—

- (a) that any highway or proposed highway to which the order or scheme in question relates should follow an alternative route, or
- (b) that, instead of improving, diverting or altering a highway in accordance with the order in question, a new highway should be constructed on a particular route.

shall send to the Minister within such period as may be specified in the notice, being a period not less than 14 days and ending not less than 14 days before the date fixed for the holding of the inquiry, sufficient information about the alternative route or the route of the new highway, as the case may be, to enable it to be identified.

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- (2) Where the Minister or the Minister and the Secretary of State acting jointly have given a direction under sub-paragraph (1) above in relation to an inquiry, the person holding the inquiry and the Minister or, as the case may be, those Ministers may disregard so much of any objection as consists of a submission to which the direction applies unless the person making the objection has complied with the direction.

Modifications etc. (not altering text)

- C8** Sch. 1 para. 19: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

- 20 Proceedings required by this Schedule to be taken for the purposes of an order relating to a trunk road under section 14 of this Act or for the purposes of an order relating to a special road under section 18 of this Act may be taken concurrently (so far as practicable) with proceedings required by this Schedule to be taken for the purposes of an order under section 10 of this Act or, as the case may be, for the purposes of a scheme under section 16 of this Act, relating to that road.

- 21 Where—

- (a) proceedings required to be taken for the purposes of an order relating to a trunk road under section 14 of this Act are taken after the making by the Minister of an order relating to that road under section 10 of this Act, or
- (b) proceedings required to be taken for the purposes of an order relating to a special road under section 18 of this Act are taken after the making or confirmation by the Minister of a scheme relating to that road under section 16 of this Act,

the Minister or, in the case of an order proposed to be made by the Minister, the Minister and the Secretary of State acting jointly may disregard any objection to the order under section 14 or 18 which in his or their opinion amounts in substance to an objection to the order under section 10 or, as the case may be, to the scheme under section 16.

Modifications etc. (not altering text)

- C9** Sch. 1 para. 21: functions transferred (25.11.2002) by [The Transfer of Functions \(Transport, Local Government and the Regions\) Order 2002 \(S.I. 2002/2626\)](#), **arts. 5, 7** (with art. 8)

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